

**“A PROGRESS REPORT ON INFORMATION
SHARING
FOR HOMELAND SECURITY”**

Testimony of John D. Cohen,
Senior Homeland Security Policy Advisor
for the Commonwealth of Massachusetts

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and Terrorism Risk Assessment

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Mr. Chairman, members of the Subcommittee good morning. My name is John Cohen and I currently serve as the Senior Homeland Security Policy Advisor to the Commonwealth of Massachusetts. In that capacity, I am a direct advisor to the Governor of Massachusetts Mitt Romney and the Secretary of the Executive Office of Public Safety Edward Flynn. I appreciate the opportunity to be here with you today.

The hearing today is entitled “A Progress Report on Information Sharing for Homeland Security” – and for state, local and tribal governments there truly is no more important issue because at the end of the day, the efficacy of our prevention, response, and recovery efforts all depend upon the effective collection, analysis, sharing, and use of timely and accurate intelligence about those who wish to attack us, the targets they intend to attack and the methods they intend to use.

Terrorism-related intelligence is not solely utilized by or derived through the efforts of the Intelligence Community. The attacks of 9/11 and the recent bombings in London taught us that today our enemy may not always be overseas – he or she may live in our local communities – and engaged in criminal and/or other suspicious activity as they plan attacks on targets within the United States and its territories. Intelligence and/or information regarding possible attacks – possessed by federal authorities must be provided in a timely manner to state, tribal, local and key private sector entities to support information-driven efforts to protect our communities. Furthermore, information that may forewarn of a future attack may initially come to the attention of authorities through local crime control activities or by reports made by the general public.

The Intelligence Community plays a critical role in managing the flow of terrorism-related intelligence among critical stakeholders. But, until recently, the manner in which our modern day Intelligence Community operated and the mindset it operated under for the most part was established during the Cold War and designed to confront foreign-based, state-sponsored adversaries. Efforts are underway to restructure the Intelligence Community so that it can better meet the challenges of the post 9/11 world. This restructuring must include defining the appropriate roles for state, tribal, local, and private sector entities in the collection, analysis, dissemination and use of this intelligence and information – and how those efforts should be coordinated with those of the Federal Government. This debate represents an historic opportunity to enhance existing information sharing between all levels of government – and – the threat to the nation demands that we proceed expeditiously. But – we must also proceed thoughtfully and consider all of the civil liberty and financial implications before asking state, tribal, local and private sector entities to take on new responsibilities.

BACKGROUND

In an open society, it is impossible to protect against every possible type of attack. While all appropriate steps should be taken to protect and secure our society and we should continue our efforts to have a robust response effort, the key to protecting America is to prevent another attack. To be fiscally prudent and operationally effective, prevention efforts must be intelligence-driven, adaptable, multifaceted, prioritized, and designed to effectively support efforts to:

- **Identify and target for arrest**, prosecution, incarceration, and/or other enforcement actions, such as deportation, people who have been determined to be supporting, planning, and/or intending to carry out an attack.
- **Protect potential targets from being attacked** – this means enhancing the physical security of high-risk targets to reduce their attractiveness to potential attackers **and** ensuring the continuity of critical services to minimize the impact of an attack at a single or multiple locations.
- **Disrupt the ability of terrorists to plan and conduct operations**—State, local, and tribal entities can effectively disrupt the ability of terrorists to operate according to their plan and force them to change their methods of operation, thereby exposing them to potential discovery by disrupting their financial support networks and implementing—in an unpredictable manner—aggressive protective measures such as counter-surveillance of potential targets and directed patrol.

The key to prevention is intelligence. We have spent billions in America since 9/11 on response – it is time now to put equal and greater attention on the challenge of preventing future attacks. We need to get our intelligence operations functioning at the level needed for the threats we now face. While the federal government clearly has primary responsibility for intelligence, the state and local governments must play a major role. We are the eyes and ears on the front lines in the homeland. And while this doesn't mean that state and local authorities should begin spying on the public, it does mean that in the course of our day-to-day duties we gather information that may have a nexus with a terrorist threat and this information needs to be organized, analyzed and distributed to those who can act on it. Information sharing between federal, state, local, tribal and private sector entities has improved since the attacks of 9/11, but it is still not as effective as it should be – and must be – if we are going to protect our communities from future attack.

Over the past year, state, tribal and local officials have worked to better define the role state and locals should play in intelligence gathering and information sharing. We have also thought about what we need from the federal government if we are to play our role successfully. In June 2004, with the concurrence of then DHS Secretary Tom Ridge, Massachusetts Governor Mitt Romney established the Homeland Security Advisory Council (HSAC) Intelligence and Information Sharing Working Group (Working Group) to review the roles, responsibilities, and requirements of state and local government entities as related to the collection, analysis and dissemination of terrorism-related intelligence information. The Governor established the Working Group in recognition that while there seemed to be general agreement at all levels of government that the sharing of terrorism-related intelligence/information is vital to our nation's efforts to detect, prevent, and effectively respond to acts of terrorism here at home, it is still somewhat unclear what state and local entities should be doing as a part of a national effort in this regard.¹

In December 2004, the HSAC Intelligence and Information Sharing Working Group issued a report that included a number of findings and recommendations intended to better define what state, tribal and local governments should be doing as part of our nation's efforts to collect, analyze, disseminate and use terrorism-related intelligence (a summary of that report is included as an attachment to this testimony). At that time, the Working Group reported that almost every state is establishing an "information fusion center" – a location where homeland security-related information can be collected and analyzed. But the Working Group also found that there was no common definition of fusion nor were there standards to guide the states in doing so. The Working Group was asked by Secretary Ridge to develop a list of functional attributes for use as a guide by state, tribal and local entities as they seek to establish statewide and urban area "fusion centers."

On 4/28/05, the Governor formally presented to the HSAC guidelines to support establishing a state-based, nationwide fusion capacity – recognizing that every level of government and the private sector has a role in the fusion process (a copy of the April report is included as an attachment to this testimony).

¹ The Intelligence and Information Sharing Working Group was comprised of state, tribal, local and private sector officials representing various disciplines. The Working Group worked closely with members of the Global Justice Information Sharing Working Group – a Department of Justice sponsored advisory committee comprised of state and local law enforcement officials. Representatives from the Department of Homeland Security, the Department of Justice and the Federal Bureau of Investigation actively participated in all of the Working Group's efforts.

INFORMATION FUSION

The process that has become known as “information fusion” represents the organizing principle that supports an effective national homeland security intelligence capacity. The Working Group defined the term “fusion” as the overarching process of managing the flow of information and intelligence across levels and sectors of government and the private sector to support the rapid identification of emerging terrorism-related threats and other circumstances requiring intervention by government and private sector authorities. It is a key part of our nation’s homeland security efforts because it supports the implementation of risk-based, information-driven prevention, response, and consequence management programs. It means more than the one-time collection of law enforcement and/or terrorism-related intelligence information and it goes beyond establishing an intelligence center or creating a computer network. It is a clearly defined and ongoing process that involves the blending of information from:

- The intelligence and information management systems used to support the core missions of individual Federal, state, tribal and local government entities;
- The general public; and
- Private sector entities.

The Working Group report acknowledges that the way in which individual jurisdictions and regions implement the fusion process will vary taking into account their specific needs, capabilities and resources. The Working Group’s report lists a number of factors critical to an effective intelligence/information fusion process – these include:

- Common terminology used by all stakeholders;
- Up-to-date awareness of the global and domestic threats;
- An understanding of the linkages between terrorism and non-terrorism related information so that we can recognize “precursors” or “indicators” of an emerging threat;
- Intelligence and information requirements that prioritize and guide planning, collection, analysis, dissemination and re-evaluation efforts;
- Understanding and elimination of impediments to information collection and sharing;
- Extensive and continuous interaction with the private sector and with the public at-large;
- A commitment to ensure aggressive oversight and accountability so as to protect against the infringement of constitutional protections and civil liberties.

The Working Group recommended that minimally, each state should establish and maintain an analytic center to facilitate the fusion process – Each major urban area (as defined by the UASI program) may want to establish a similar capacity **ensuring that it is interlinked with the fusion process established by the state.** Additionally, there

needs to be some consideration of where these fusion centers link into the federal system.

Secretary Chertoff – as well as a numerous other federal, state, local and private sector entities – have been briefed on the efforts and findings of the Working Group. Information contained in both reports have been incorporated into the guidelines and other materials being developed by the Department of Homeland Security that are intended to support efforts by state, tribal and local governments to enhance their capacity to prevent, respond to and manage the consequences of a terrorist attack.

CONCLUSION

The initial report of the HSAC Intelligence and Information Sharing Working Group outlines the roles state and locals should play in intelligence gathering and information sharing, and it also outlines what we need from the federal government if we are to play our role successfully. This report has been given serious consideration by the White House and by DHS as they write preparedness standards for state and local governments, and I hope that the federal government will also consider the critical role of state and locals in intelligence as they restructure the federal intelligence environment.

The follow-up report on standards for fusions centers in the states comes at a time when most states have one or more fusion centers under development. For this reason, and recognizing that it is ineffective to demand that the same structure be used in every state or large urban area, we have focused instead on the process that should take place in a fusion center – what are the inputs and outputs needed for a state’s fusion operation to be effective.

Equally important is the report’s recommendation that the federal government recognize that states are establishing a fusion process and that the federal government needs to take this into account as they restructure the federal environment. We have made clear what we need from the federal government in order to be effective in our role – and we will focus in the states on putting together the fusion operations on the ground that can ensure we have a robust intelligence operation working at every level throughout our country.